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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,704	06/23/2003	Kohei Koshida	01306.000098	5743
5514 7590 04/11/2005 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER GLEITZ, RYAN M	
			ART UNIT 2852	PAPER NUMBER

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM 5-11-05

Office Action Summary	Application No.	Applicant(s)	
	10/600,704	KOSHIDA, KOHEI	
	Examiner	Art Unit	
	Ryan Gleitz	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/04/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Morita et al. (JP 03-271754).

Morita et al. disclose an image forming apparatus comprising: an image carrier as the laser beam in unit (7); an intermediate transfer body (1) to which the image on the image carrier is transferred; transfer material conveying means, for example roller (17), for conveying a transfer material along a conveyance route; transfer means (12); and a delivery portion (20) for delivering the transfer material on which the image is transferred.

Figure 3 shows a first openable portion, on the top of the apparatus, openable with respect to an apparatus body, and the openable portion holding the intermediate transfer body (1) in the apparatus. Delivery portion (20) is part of the first openable portion.

Side cover (162) is a second openable portion openable of the conveyance route, wherein the first and second openable portions are open and closed independently from each other. The first openable portion is on the upper surface, and the second openable portion (162) is on a side surface.

Figure 3 shows that the openable portion on the upper surface can be opened in a state that the openable portion on a side face is closed.

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Regarding claim 2, the first openable portion is openable around a first rotary shaft (160) as a center, wherein the second openable portion (162) is openable around a second rotary shaft (162a) as a center, and wherein the first rotary shaft (160) and the second rotary shaft (162a) are disposed as to extend substantially parallel to a transfer material conveyance surface and substantially perpendicular to a conveyance direction of the transfer material.

Regarding claim 3, the first rotary shaft (160) and the second rotary shaft (162a) are disposed at positions that the first openable portion and the second openable portion are opened as moving away from each other, as shown in figure 5.

Regarding claim 4, the intermediate transfer body (1), the delivery portion (20), and the first openable portion are structured in a united body.

Regarding claims 5 and 6, the image carrier is in a holding unit (7) that is attachable and detachable, as shown by figure 4. The holding unit (7) must be moved in a vertical direction to be detached.

Regarding claim 7, the transfer means (12) has a transfer member in contact with the intermediate transfer body (1) and wherein the transfer member is held to the second openable portion (162).

Regarding claim 8, figure 1 shows that the transfer material conveying means has at least a pair of roller members, wherein one roller member is held to the apparatus body, and wherein the other roller member (17) is held to the second openable portion (162).

Regarding claim 9, a fixing means (18) is held to the second openable portion (162) for fixing the image transferred from the intermediate transfer body to the transfer material.

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Regarding claim 10, a fixing means (roller opposite roller (18), no reference numeral assigned) is held to the first openable portion for fixing the image transferred from the intermediate transfer body to the transfer material.

Regarding claim 11, the first openable portion is on the upper surface, and the second openable portion (162) is on a side surface.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

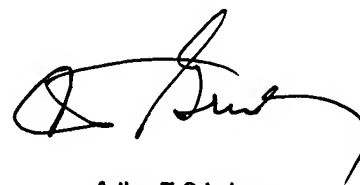
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rg



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